



## On regulation of trading activities

### *Unofficial translation*

Law of the Republic of Kazakhstan dated 12 April, 2004 № 544.

**Unofficial translation!**

**Information for users!**

"Adilet" Legal Information System also has a translation of The Law On regulation of trading activities of the Republic of Kazakhstan provided by National Company KAZAKH INVEST JSC.

Footnote. Text for the words “of the local executive bodies”, “The local executive bodies”, “by the local executive body”, “by the local executive bodies” is supplemented with the words “of the city of republican status, capital and regions (the cities of the oblast status)” by the Law of the Republic of Kazakhstan, № 116 dated 10 January, 2006 (shall be enforced from Article 2 of the Law №116)

This Law shall regulate social relations in the sphere of trade activities, and determine the principles and organizational basis of the state regulation of trading activities.

## Chapter 1. General provisions

### Article 1. Basic terms used in this Law

The following basic terms are used in this Law:

- 1) automatic licensing (supervision) - a temporary measure established in order to monitor the dynamics of exports and (or) imports of certain types of goods;
- 2) information and advertising trading platform - an online resource with advertisements (information) of (on) sellers, as well as goods, works, services in order to organize their purchase and sale;
- 3) exclusive right - the right of participants in foreign trade activities to export and (or) import certain types of goods, which is granted on the basis of an exclusive license;
- 4) discounted goods - a product sold at a reduced price because of a defect or its correction;

**Note!**

Subparagraph 5) is subject to exclusion by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect on 31.12.2025).

5) threshold value of retail prices for staple foods - the permissible level of retail prices set to prevent unjustified increases in prices, to keep inflation within acceptable limits and to ensure macroeconomic stability in the country, which a domestic trading subject has no right to exceed when setting retail prices for staple foods;

**Note!**

**Subparagraph 6) is subject to exclusion by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect on 31.12.2025).**

6) maximum permissible retail prices for staple foods - the level set by local executive bodies for retail prices in case they exceed threshold values of retail prices for staple foods;

7) control (identification) mark – an accountable form (document) with security elements (features) against counterfeit (security print products), containing an identification sign and intended for goods labeling;

8) retail trade - entrepreneurial activity on the sale of goods intended for personal, family, household or other uses, not related to entrepreneurial activity, to the buyer;

9) sale - the sale of goods of good quality at reduced prices;

10) import customs duty - a mandatory payment levied by customs authorities on the import of goods into the customs territory of the Eurasian Economic Union;

11) export customs duty - a mandatory payment levied on the export of goods;

12) extra-quota rate of customs duties - the amount (value) of the import or export customs duty set for goods imported or exported in excess of the established tariff quota;

13) intra-quota rate of customs duties - the amount (value) of the import or export customs duty set for goods imported or exported within the established tariff quota;

14) wholesale trade - entrepreneurial activity on the sale of goods intended for subsequent sale or other purposes, not related to personal, family, household and other similar uses;

**14-1) as excluded by the Law of the Republic of Kazakhstan dated 30.12.2021 № 96-VII (shall enter into force from 01.01.2022);**

14-2) Export Credit Agency of Kazakhstan (hereinafter referred to as the Export Credit Agency) is a legal entity determined by a decision of the Government of the Republic of Kazakhstan, which has the status of a national development institution in the field of development and promotion of non-resource exports and operates in accordance with this Law and legislation of the Republic of Kazakhstan;

14-3) a measure for security reasons - a measure introduced by a third party in relation to imports from the Republic of Kazakhstan and affecting the interests of national security;

15) public catering - entrepreneurial activity related to foods' production, processing, sale and organization of their consumption;

16) a specialized electronic trading platform - an electronic trading platform selling goods of one class, works and services of one type of economic activity;

17) physical medium - a control (identification) mark or object made of any materials, with or without security elements (features) against counterfeit and intended for the application, storage and transmission of an identification sign;

18) compensatory measure - a measure to neutralize negative impact of the specific subsidy of a subsidizing member state of the Eurasian Economic Union on an economic

sector of the member state of the Eurasian Economic Union that applied for the introduction of this measure;

18-1) a permit document - a document issued to a participant in foreign trade activities for the right to import and (or) export certain types of goods (license, act of state control, conclusion, notification, permission);

19) Is excluded by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI ( shall be enforced upon expiry of six months after the day of its first official publication);

20) Is excluded by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI ( shall be enforced upon expiry of six months after the day of its first official publication);

21) quantitative restrictions - measures for quantitative limitation of foreign trade in goods , which are introduced by setting quotas;

21-1) an expert organization - a legal entity that has an expert auditor on staff to determine the country of origin of goods, the status of goods of the Eurasian Economic Union or foreign goods, carrying out works on the expertise of the goods origin, the status of goods of the Eurasian Economic Union or foreign goods;

22) sales area - the area of a shopping facility with special equipment for putting out, displaying goods, serving customers and conducting cash settlements with them when selling goods, for customers' passage;

23) trade market - a separate property complex intended for trading activities, with centralized functions of economic maintenance of its territory, management and security, operating on an ongoing basis and having a parking place within its territory, and also meeting sanitary and epidemiological, fire safety, architectural, construction and other requirements in accordance with the legislation of the Republic of Kazakhstan;

24) trade network - a set of two or more shopping facilities under common management and with single trade designation and other means of identification, except for trade markets;

25) trading activity – an activity including domestic and foreign trade;

26) the authorized body for the regulation of trading activities (hereinafter referred to as the authorized body) - the central executive body shaping the trade policy and carrying out the management and inter-sectoral coordination in the field of trading activities;

27) shopping facility - a building or part of a building, a structure or part of a structure, a trade market, an automated device or a vehicle with special equipment intended and used for putting out, displaying goods, serving customers and conducting cash settlements with them when selling goods;

28) trade place - a place with equipment intended and used for putting out, displaying goods, serving customers and conducting cash settlements with them when selling goods;

29) trade policy - a set of organizational, legal, economic, control and other measures carried out by state bodies to implement the goals and principles established by this Law;

30) trade measures - special safeguard, anti-dumping, countervailing measures;

31) identification sign - a unique machine-readable sequence of characters in the form of a bar code, or that recorded on a RFID tag, or presented using other means (technology) of automatic identification;

32) non-stationary shopping facility – a temporary construction or temporary structure, loosely connected to the earth, no matter whether it has or has no connection (technological connection) to utility networks, including an automated device or a vehicle;

33) stationary shopping facility - a building or part of a building (integrated, integrated and attached, attached premise), a structure or part of a structure (integrated, integrated and attached, attached premise), firmly connected to the earth and connected (technologically connected) to utility networks;

33-1) remuneration - a monetary payment by a supplier of food products to an internal trade entity carrying out activities for the sale of goods through the organization of a trading network or large trading facilities, associated with purchase and sale of food products, including services for the promotion of food products, including by advertising such goods and implementation of their special display, as well as preparation, processing, packaging of these goods, admission to retail chains or large retail facilities;

34) foreign trade (hereinafter referred to as foreign trade activity) - the activity of participants in foreign trade activities related to the exportation of goods from and (or) their importation into the Republic of Kazakhstan;

35) participants in foreign trade activities - individuals engaged in foreign trade activities, including those registered as individual entrepreneurs in accordance with the legislation of the Republic of Kazakhstan, and legal entities established in accordance with the legislation of the Republic of Kazakhstan, as well as organizations that are not legal entities;

36) labeled goods - goods with identification signs applied in accordance with the established requirements and on which reliable information (including that on identification signs applied to them and (or) physical media with identification signs) is contained in the national component of the goods labeling information system;

37) tariff privilege - exemption from payment or reduction of the import or export customs duty;

38) tariff quota - a measure to regulate the importation into or exportation from the territory of the Republic of Kazakhstan of certain types of goods, allowing, within a certain time period, a lower rate of the import or export customs duty when importing or exporting a certain amount of goods (in physical or monetary terms) in comparison with the current rate of the import or export customs duty;

39) tariff preference – reduction of the amount of a customs duty in relation to goods originating and exported from the Republic of Kazakhstan to countries with which the Republic of Kazakhstan has agreements on a free trade zone, of goods originating and imported from these countries to the Republic of Kazakhstan in accordance with the provisions of such agreements and goods originating in developing countries or the least

developed countries that are users of the unified system of tariff preferences of the Eurasian Economic Union;

40) goods - any product of labor not withdrawn from circulation, intended for sale or exchange;

40-1) a certificate of goods origin - a document certifying the country of origin of goods, the status of goods of the Eurasian Economic Union or foreign goods;

40-2) experts-auditors for determining the country of goods origin, the status of goods of the Eurasian Economic Union or foreign goods – individuals certified in the manner determined by the authorized body;

41) Unified operator of marking and traceability of goods - state-owned enterprise, joint stock company, limited liability partnership, more than fifty percent of voting shares (the share of participation in the authorized capital) of which directly or indirectly shall belong to the state developing, administering, maintaining and operating support for the information system for marking and traceability of goods, including the development, maintenance and updating of the National catalog of goods, and other functions provided for by the legislation of the Republic of Kazakhstan;

42) sectoral authorized state for goods labeling and traceability - state bodies that carry out goods labeling and traceability in the industries regulated by them;

43) the coordinating body for goods labeling and traceability - the central executive body that carries out the leadership and inter-sectoral coordination in the field of goods labeling and traceability;

44) class of goods - a set of goods with a similar functional purpose;

45) the National Product Catalog - an information resource developed by the Single goods labeling and traceability operator, containing the uniform nomenclature of products, which is a mandatory reference book of goods in the process of goods labeling and traceability in the Republic of Kazakhstan, including characteristics of goods, codes of the goods nomenclature of foreign economic activity and other values;

46) third party - a foreign state that is not a member of the Eurasian Economic Union, a union of foreign states;

47) fulfillment center - a logistics center that performs the full range of operations from the buyer's ordering a product until this order's delivery to the buyer, and also such functions as warehousing of goods, orders' receipt and processing, pick-and-pack, receipt of payment from customers, orders' delivery, receipt of return orders in the field of electronic commerce;

48) international specialized exhibition – an exhibition simultaneously meeting such requirements as follows:

it shall be an official or officially recognized international intergovernmental organization in accordance with international treaties;

its exhibitors shall be two or more states;

the duration of the exhibition shall not be less than six weeks and not more than six months;

it may not be an art exhibition or commercial exhibition;

start and finish dates of the exhibition shall be specified in the registration dossier developed by a legal entity, established by decision of the Government of the Republic of Kazakhstan, and approved by an international intergovernmental organization set up to monitor compliance with the provisions of the international treaty on the holding of an international specialized exhibition;

49) participant in an international specialized exhibition – an individual or a legal entity displaying items (exhibits) at an international specialized exhibition and representing a corresponding country in country pavilions at an international specialized exhibition, as well as an international organization or an individual, or a legal entity determined by internal regulations of the international specialized exhibition adopted to comply with the provisions of the international treaty;

50) the territory of the international specialized exhibition - land plots stipulated in the registration dossier developed by a legal entity, established by decision of the Government of the Republic of Kazakhstan, and approved by an international intergovernmental organization set up to monitor compliance with the provisions of the international treaty on the holding of the international specialized exhibition, and provided in accordance with the legislation of the Republic of Kazakhstan;

51) post-exhibition use of the territory of the international specialized exhibition – management (operation) of the objects of the international specialized exhibition;

52) objects of the international specialized exhibition - buildings, architectural objects, structures, engineering and transport infrastructure and other objects left after the international specialized exhibition inside its territory;

53) large shopping facility - a shopping facility with the sales area of at least two thousand square meters;

54) domestic trade - entrepreneurial activity of individuals and legal entities aimed at the sale and purchase of goods within the territory of the Republic of Kazakhstan;

55) subject of domestic trade – an individual or legal entity engaged in domestic trade in the manner established by the legislation of the Republic of Kazakhstan;

56) e-commerce - an entrepreneurial activity in electronic trade, and also in the sale of services using information and communication technologies;

57) electronic trade - an entrepreneurial activity on the sale of services using information and communication technologies;

58) electronic trading platform - an Internet resource providing infrastructure to electronic trade participants, including their conclusion of contracts for the provision of works and services using information and communication technologies;

59) electronic commerce participants - individuals and legal entities participating as a buyer, seller and (or) electronic trading platform.

Footnote. Article 1 as amended by Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 25.06.2020 № 346-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2020 № 397-VI (shall be enforced upon expiry of six months after the day of its first official publication); dated 30.12.2021 № 96-VII (shall enter into force from 01.01.2022); dated 30.12.2022 № 177-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 23.01.2024 № 54-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

## **Article 2. Legislation of the Republic of Kazakhstan on the regulation of trading activities**

1. The legislation of the Republic of Kazakhstan on the regulation of trading activities shall be based on the Constitution of the Republic of Kazakhstan and comprised of the present Law and of other legal normative acts of the Republic of Kazakhstan.

2. If an international treaty ratified by the Republic of Kazakhstan establishes rules other than those which are contained in the present Law, the rules of the international treaty shall be applied.

## **Article 3. Purposes and principles of the regulation of trading activities**

1. The regulation of trading activities shall be aimed at:

- 1) satisfying the needs of population in goods and developing the trade infrastructure;
- 2) organizing services in trade and public catering;
- 3) promoting the development and improvement of trading activities in the Republic of Kazakhstan;
- 4) providing conditions for Kazakhstan to integrate in the world trade system;
- 5) improving the competitiveness of domestic goods;
- 6) promoting the sustainable development of the national economy;
- 7) ensuring food security;
- 8) ensuring non-discriminatory conditions for Kazakhstani producers in domestic and foreign markets.

2. The following principles shall be followed when regulating the trading activities:

- 1) the equality of rights of subjects of trading activities;
- 2) non-interference of the state authorities in trading activities unless stipulated by the legislation of the Republic of Kazakhstan;
- 3) support for free and fair business;



4) Excluded by Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication);

5) secure of good services in trade;

6) freedom to choose the type of trading activities and the possibility of the subjects of trading activities to be engaged in such activities;

7) unity of trade policy as an integral part of the state economic policy of the Republic of Kazakhstan;

8) ensuring on equal footing of the protection of the rights and legitimate interests of the customers, subjects of trading activities and of the state.

9) unity of application of methods of state regulation of foreign trade activity in all territory of the Republic of Kazakhstan;

10) publicity during the developing, acceptance and application of measures of state regulation of foreign trade activity;

11) validity, objectivity and transparency of application of measures of state regulation of foreign trade activity.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan, № 400-IV dated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication); from 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication ); № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); dated 25.06.2020 № 346-VI ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ).

#### **Article 4. Scope of application of the present Law**

1. This Law shall be effective in the territory of the Republic of Kazakhstan and shall extend to all subjects of trading activities.

2. Operation of the present Law does not extend to the relations of:

1) on a trade of separate types of goods which are regulated by other acts of the Republic of Kazakhstan.

Implementation of trade activity by such goods in the part which is not settled by these acts of the Republic of Kazakhstan is regulated by standards of the present Law;

2) connected with activity of the financial organizations and also on the relations connected with operations with financial instruments.

3) related to the activities of the operator of the electronic trading platform for the sale of banking and microfinance assets and the functioning of the electronic trading platform for the sale of banking and microfinance assets.

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan № 400-IV dated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication); from 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 241-VI as of 02.04.2019 (shall be enforced ten calendar



days after its first official publication); dated 19.06.2024 № 97-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

## **Chapter 2. State regulation of trading activities**

**Footnote.** Chapter 2 as amended by the Law of the Republic of Kazakhstan 400-IV dated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication).

### **Article 5. Forms and methods of state regulation of trading activities**

1. The following shall be the forms of the state regulation of trading activities:

- 1) determination the procedure of carrying out of trading activities;
- 2) definition of conditions of movement of goods through the customs border of the Eurasian Economic Union coinciding with Frontier of the Republic of Kazakhstan;
- 2-1) definition of conditions of movement of goods at implementation of mutual trade in state members of the Eurasian Economic Union;
- 3) fostering of the development of trading activities;
- 4) state control over compliance with the legislation of the Republic of Kazakhstan on the regulation of trading activities;
- 5) certification.

2. The following shall be the methods of the state regulation of trading activities:

- 1) customs and tariff regulation of foreign trade;
- 2) non-tariff regulation of foreign trade;
- 3) suspension of trade and (or) prohibition of sale of goods in accordance with the legislation of the Republic of Kazakhstan;
- 4) the use of special protective, antidumping and countervailing measures;
- 5) participation in the international economic sanctions;
- 6) application of response measures;
- 7) the use of special types of prohibitions and restrictions;
- 8) the use of a compensatory measure;
- 9) application of measures introduced based on the interests of national security.

**Footnote.** Article 5 with the changes made by laws of Republic of Kazakhstan from 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication ; from 26.12.2017 № 124-VI (shall be enforced from 01.01.2018); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); dated 30.12.2020 № 397-VI (shall be enforced upon expiry of six months after the day of its first official publication).

### **Article 6. Competence of the Government of the Republic of Kazakhstan**

The Government of the Republic of Kazakhstan shall:

1) Excluded by the Law of the Republic of Kazakhstan of 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);

2) Excluded by the Law of the Republic of Kazakhstan of 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

3) Excluded by the Law of the Republic of Kazakhstan of 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

4) - 8) excluded by the Law of the Republic of Kazakhstan of 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication);

9) carries out the opening of commercial representative offices of the Republic of Kazakhstan abroad;

10) decides on the signing of intergovernmental agreements in the field of commercial activities;

10-1) decide on the use of a compensatory measure on the basis of an opinion of the authorized body;

11) Excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII ( shall be enforced ten calendar days after the date of its first official publication);

11-1) excluded by the Law of the Republic of Kazakhstan dated 05.07.2024 № 115-VIII ( shall come into effect upon expiry of ten calendar days after the date of its first official publication).

11-2) defines a Single operator of marking and traceability of goods;

11-3) excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII ( shall be enforced ten calendar days after the date of its first official publication);

12) - 14) excluded by the Law of the Republic of Kazakhstan of 29.09.2014 № 239-V ( shall be enforced upon expiry of ten calendar days after its first official publication);

14-1) creates the legal entity with absolute participation of the state in authorized capital which main object of activity are the organization and holding the international specialized exhibition in the territory of the Republic of Kazakhstan and also postexhibition use of the territory of the international specialized exhibition;

14-2) excluded by the Law of the Republic of Kazakhstan of 25.12.2017 № 122-VI (shall be enforced from 01.01.2018);

14-3) makes the decision on application of countermeasures;

14-4) makes the decision on application of special types of the bans and restrictions;

14-5) approve the procedure for establishing the minimum wholesale price for socially significant food products produced, imported and (or) sold in the Republic of Kazakhstan;

14-6) determines the Export Credit Agency and its functions;

15) Excluded by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII ( shall be enforced ten calendar days after the date of its first official publication).

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan № 535-IV dated 09.01.2012 (shall be enforced upon expiry of ten calendar days after its first official

publication); with the changes made by Laws of the Republic of Kazakhstan from 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication ); from 03.12.2013 № 151-V (shall be enforced upon expiry of ten calendar days after its first official publication ); from 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication ); from 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication ); from 25.12.2017 № 122-VI (shall be enforced from 01.01.2018); № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); dated 30.12.2022 № 177-VII (the procedure of entry into force, see Art. 2); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 23.01.2024 № 54-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication); dated 05.07.2024 № 115-VIII (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

#### **Article 7. Competence of the authorized body**

The authorized body shall:

1) presentation of a proposal to improve the legislation of the Republic of Kazakhstan on the regulation of trading activities;

1-1) form and implement the state trade policy;

1-2) takes measures for protection of domestic market of the Republic of Kazakhstan;

1-3) coordinates the work of state bodies of the Republic of Kazakhstan on the application of trade measures;

1-4) interacts with the working bodies of the World Trade Organization (hereinafter referred to as the WTO) and WTO members;

1-5) interacts with the WTO Dispute Settlement Body;

1-6) coordinates interaction with the WTO working bodies and members;

1-7) ensures the operation of the information center for the WTO-related issues;

2) takes measures of customs and tariff and non-tariff regulation of foreign trade activity;

2-1) approves the inventory to which import or export custom duties, the size of rates and term of their action and also if necessary an order of their calculation are applied;

2-2) excluded by the Law of the Republic of Kazakhstan from 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication);

2-3) determines the procedure for considering proposals for the application, change or cancellation of customs and tariff, non-tariff, trade and compensatory measures regulating foreign trade activities;

2-4) determine the list of goods subject to labeling and the date of its introduction;

3) elaborate the proposals for the development of trading activities as well as for the promoting the production and trade of goods;

4) develop and approve regulatory legal acts of the Republic of Kazakhstan in the field of regulation of trading activities;

4-1) approves rules of the internal trade;

4-2) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2019 № 262-VI (shall be enforced from 01.01.2020);

4-3) develops and approves requirements for wholesale distribution centres in agreement with the authorized body in the field of development of the agro-industrial complex;

5) Excluded by the Law of the Republic of Kazakhstan from 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);

6) Excluded by the Law of the Republic of Kazakhstan of 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);

7) develops and approves the minimum standards for the provision of the population with commercial space;

7-1) develops and approves rates of natural loss of food products in retail trade;

7-2) develop and approve the rules for determining the country of goods origin, the status of goods of the Eurasian Economic Union or foreign goods, issuance of a certificate of goods origin and cancellation of its validity, and also establish the forms of the certificate for determining the country of goods origin;

7-3) carry out verification (inspection) of the validity of issuing certificates of goods origin, the reliability of information contained in them and fulfillment by manufacturers of the criteria for determining the country of goods origin on the basis of requests from the authorized bodies of the country of import of goods in the manner prescribed by the rules for determining the country of goods origin, the status of goods of the Eurasian Economic Union or foreign goods, issuance of a certificate of goods origin and cancellation of its validity;

7-4) carry out verification (inspection) of reasonableness of the registration of exporters in the information systems of the countries of goods import in order to confirm the country of goods origin in the manner determined by the authorized body;

8) Excluded by the Law of the Republic of Kazakhstan of 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);

9) initiates, participates and will organize holding republican and international exhibitions and fairs together with the National chamber of entrepreneurs of the Republic of Kazakhstan;

10) acts on behalf of the Government of the Republic of Kazakhstan in negotiations with international trade and economic organizations and integration associations, foreign states, unions of foreign states;

10-1) carries out cooperation and interaction with third parties, international organizations in the field of commercial activities;

10-2) develops the conditions for carrying out certain types of activities of the Export Credit Agency and approves them in agreement with the central authorized body for state planning, the central authorized body for budget execution, the authorized body for regulation, control and supervision of the financial market and financial organizations;

10-3) develops rules for the formation of a risk management and internal control system, as well as the formation of reserves and carrying out actuarial calculations on them for the Export Credit Agency and approves them in agreement with the central authorized body for state planning, the central authorized body for budget execution, authorized body for regulation, control and supervision of the financial market and financial organizations;

11) carries out export licensing and (or) import of separate goods in the order established by the legislation of the Republic of Kazakhstan;

12) carry out monitoring by analyzing information on issued certificates of origin of goods, posted quarterly on the Internet resource by the organization authorized to issue a certificate of origin of goods, as well as monitoring the issuance of a certificate of origin of goods for domestic circulation, determining the status of goods of the Eurasian Economic Union and (or) foreign goods by the authorized body (organization);

**Note!**

Subparagraph 13) is subject to exclusion by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect on 31.12.2025).

13) conducts a macroeconomic analysis in order to determine threshold values of retail prices for staple foods;

14) Excluded by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication);

14-1) excluded by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication);

**Note!**

Subparagraph 15) is subject to exclusion by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect on 31.12.2025).

15) develops and approves an order of establishment of threshold values of retail prices for socially important food products and the size of maximum permissible retail prices for them;

15-1) excluded by Law of the Republic of Kazakhstan № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication);

15-2) approves the rules and conditions for granting tariff privileges, and also the list of goods subject to a tariff privilege;

15-3) conducts an investigation in order to prepare an opinion on the advisability of applying a compensatory measure;

15-4) approve the requirements for expert- auditors for determining the country of goods origin, the status of goods of the Eurasian Economic Union or foreign goods, the list of documents confirming compliance with them, as well as the procedure for attestation, renewal of certificates of expert-auditors for determining the country of goods origin, status of goods of the Eurasian Economic Union or foreign goods in agreement with the authorized body in the field of permits and notifications and the authorized body in the field of informatization;



15-5) approve the minimum wholesale prices for socially significant food products produced, imported and (or) sold in the Republic of Kazakhstan in accordance with the procedure for establishing the minimum wholesale price for socially significant food products produced, imported and (or) sold in the Republic of Kazakhstan;

15-6) develop a list of socially significant food products;

15-7) monitor prices for socially significant food products;

15-8) approve the methodology for calculating target indicators in the field of trade to assess the effectiveness of the activities of local executive bodies;

15-9) approve registration rules in the information system;

15-10) exercise state control over compliance with the legislation of the Republic of Kazakhstan on the regulation of trade activities;

15-11) approve the procedure and provide domestic trade entities with measures of state support for private entrepreneurship within the limits of its competence;

16) Excluded by the Law of the Republic Kazakhstan of 29.12.2014 № 269-V (shall be enforced from 01.01.2015);

17) exercise other powers provided for in the present Law, other laws of the republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and of the Government of the republic of Kazakhstan.

Footnote. Article 7 with the changes made by Laws of the Republic of Kazakhstan from 04.07.2013 № 130-V (an order of enforcement see Art. 2); from 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication ); from 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); from 29.12.2014 № 269-V (shall be enforced from 01.01.2015); from 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication ); from 26.12.2017 № 124-VI (shall be enforced from 01.01.2018); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); dated 03.07.2019 № 262-VI (shall be enforced from 01.01.2020); dated 28.10.2019 № 268-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 397-VI dated 30..12.2020 (see Article 2 for the entry into force ); dated 24.11.2021 № 75-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2022 № 177-VII (the procedure of entry into force, see Art. 2); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 23.01.2024 № 54-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication); dated 06.04.2024 № 71-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication); dated 05.07.2024 № 115-VIII (shall come into effect upon expiry of ten calendar days after the date of its first official publication).

## **Article 7-1. Competence of the authorized body in the sphere of regulation of industrial policy**

Footnote. Article 7-1 as amended by the Law of the Republic of Kazakhstan № 535-IV dated 09.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 7-2. Competence of sectoral authorized state bodies for goods labeling and traceability**

Sectoral authorized state bodies for goods labeling and traceability:

- 1) develop functional requirements for the information system of goods labeling and traceability and coordinate them with the coordinating body for goods labeling and traceability;
- 2) within the limits of their competence, carry out the labeling and traceability of goods in accordance with the procedures determined by them;
- 3) on the basis of the results of a pilot project on labeling and traceability of individual groups of goods and analysis of advisability of introducing labeling and traceability, propose to the authorized body to enter goods subject to labeling and traceability in the list after consultation with the coordinating body for goods labeling and traceability and the National Chamber of Entrepreneurs of the Republic of Kazakhstan;
- 4) analyze the regulatory impact on goods subject to labeling and traceability;
- 5) keep registers of participants in the turnover of goods subject to labeling and traceability;
- 6) within their competence, monitor the turnover of goods subject to labeling and traceability, including in mutual trade with the member states of the Eurasian Economic Union;
- 7) determine the maximum amount of the cost of the control (identification) mark, means of identification used in the marking of goods, in coordination with the coordinating body in the field of marking and traceability of goods and the National Chamber of Entrepreneurs of the Republic of Kazakhstan;
- 8) exercise other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. The Law is supplemented with Article 7-2 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication; as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

## **Article 7-3. Competence of the coordinating body for goods labeling and traceability**

The coordinating body for goods labeling and traceability:

- 1) forms and implements the state policy on marking and traceability of goods;



2) Excluded by the Law of the Republic of Kazakhstan dated 30.12.2022 № 177-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication);

3) approves the requirements for the information system of marking and traceability of goods in coordination with the branch authorized state bodies in the field of marking and traceability of goods and the National Chamber of Entrepreneurs of the Republic of Kazakhstan within their competence;

4) exercises other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

**Footnote.** The Law is supplemented with Article 7-3 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication; as amended by the Law of the Republic of Kazakhstan dated 30.12.2022 № 177-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 7-4. Single goods labeling and traceability operator**

1. The competence of the Single goods labeling and traceability operator includes:

1) the development, implementation, administration, maintenance and operational support of the information system for goods labeling and traceability in accordance with the requirements of the legislation of the Republic of Kazakhstan;

2) ensuring the safe storage of information resources in the course of implementation of the activity on goods labeling and traceability;

3) the release of identification signs and keeping record of them;

4) provision of services for applying an identification sign to a physical medium;

5) the development, maintenance and updating of the National Product Catalog;

6) other functions provided for by the legislation of the Republic of Kazakhstan.

2. The Single goods labeling and traceability operator must have resources to support the processes of goods labeling and traceability, such as:

1) a data processing center (data processing centers), data transmission networks ensuring uninterrupted operation of the information system for goods labeling and traceability throughout the Republic of Kazakhstan, as well as data security and protection;

2) branches, representative offices and (or) other structural units up to the level of administrative centers of districts throughout the territory of the Republic of Kazakhstan to render services for applying an identification sign to a physical medium;

3) qualified personnel to maintain their infrastructure;

4) an information system for the implementation of the processes of goods labeling and traceability;

5) a contact center for servicing users of the information system for goods labeling and traceability;

6) equipment for printing identification signs on a physical medium provided to producers of goods - small business entities of the Republic of Kazakhstan on terms of property rent ( hiring), leasing and other financial instruments.

**Footnote. The Law is supplemented with Article 7-4 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication.**

#### **Article 7-5. Competence of state revenue bodies of the Republic of Kazakhstan**

1. The state revenue bodies at the State Border of the Republic of Kazakhstan, which does not coincide with the customs border of the Eurasian Economic Union, shall:

- 1) stop vehicles, including those engaged in international transport of goods;
- 2) request and receive from the carrier or from the person transporting goods across the State Border of the Republic of Kazakhstan, which does not coincide with the customs border of the Eurasian Economic Union, necessary information, as well as documents and data relating to the goods being moved;
- 3) document, make video and audio recording, film and takes photos of facts and events in accordance with the regulatory legal acts of the Republic of Kazakhstan.

2. The state body in charge of ensuring receipts of taxes and payments to the budget approves designs of uniforms, standards for their provision and distinction signs, the procedure for wearing them, and also the list of employees entitled to wear uniforms exercising control at the State Border Republic of Kazakhstan, which does not coincide with the customs border of the Eurasian Economic Union.

3. Control over compliance with prohibitions and restrictions with respect to certain types of goods moved across the State Border of the Republic of Kazakhstan, which does not coincide with the customs border of the Eurasian Economic Union, is exercised by the state revenue bodies in the manner prescribed by the state body in charge of ensuring receipts of taxes and payments to the budget.

**Footnote. The Law is supplemented with Article 7-5 in accordance with the Law of the Republic of Kazakhstan dated 02.04.2019 № 241-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication.**

#### **Article 8. Competence of the local executive bodies of oblasts, city of republican status, capital, district and the city of the oblasts status**

The local executive bodies of oblasts, city of republican status, capital, district and of the city of the oblasts status shall:

- 1) ensure the implementation of trade policy;
- 2) within their competence, regulate the activities of subjects of domestic trade;
- 3) elaborate the measures for the promotion of trade in the corresponding administrative and territorial units;

4) elaborate the proposals on the minimal standards of making available of trading areas to the public;

5) elaborate and implement the measures to achieve a minimal standards of making available of trading areas to the public;

6) carry out the organization of hosting the exhibitions and fairs;

7) Excluded by the Law of the Republic of Kazakhstan dated 30.12.2022 № 177-VII ( shall enter into force upon expiry of ten calendar days after the day of its first official publication);

7-1) excluded by the Law of the Republic of Kazakhstan dated 30.12.2022 № 177-VII ( shall enter into force upon expiry of ten calendar days after the day of its first official publication);

7-2) excluded by the Law of the Republic of Kazakhstan dated 30.12.2022 № 177-VII ( shall enter into force upon expiry of ten calendar days after the day of its first official publication);

8) exercise, on behalf of the local bodies, other powers assigned upon the local executive bodies by the legislation of the Republic of Kazakhstan.

Note!

Part two of Article 8 is subject to exclusion by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect on 31.12.2025).

Local executive bodies of a region, a city of republican significance, the capital approve:

1) threshold values of retail prices for staple foods;

2) the size of the maximum permissible retail prices for staple foods.

Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan № 535-IV dated 09.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); dated 30.12.2020 № 397-VI (shall be enforced upon expiry of six months after the day of its first official publication); dated 30.12.2022 № 177-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

## **Article 9. Pricing in the field of domestic trade**

Footnote. The heading as amended by Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).

Note!

The first part of paragraph 1 is subject to amendment by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect on 31.12.2025).

1. Prices for goods are determined by the subjects of domestic trade independently, except for the case specified in paragraph 2 of this article, and in cases where, at the request of the supplier, a contract is concluded for the supply of food products, in which the marginal mark-up is fixed by agreement of the parties.

The price of goods sold in the territory of the Republic of Kazakhstan on the terms of a standard form contract is indicated in tenge.

When concluding contracts for the supply of socially significant food products, the amount of the marginal trade markup must be established without fail. A transaction made in violation of this requirement is invalid.

The subject of domestic trade for a socially significant food product shall establish the amount of the marginal trade mark-up of no more than fifteen percent of the manufacturer's selling price or the wholesale supplier's purchase price specified in the contract for the supply of socially significant food products.

In the event that a socially significant food product is available from several manufacturers or wholesale suppliers, the subject of domestic trade shall establish the amount of the marginal trade mark-up of no more than fifteen percent of the manufacturer's selling price or the wholesale supplier's purchase price for a socially significant food product with the lowest cost specified in the contract for the supply of socially significant food product.

**Note!**

Paragraph 2 is subject to exclusion by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect on 31.12.2025).

2. In case threshold values of retail prices for staple foods in a region, a city of republican significance, the capital are exceeded, the local executive body, within ninety calendar days, after consultation with the subjects of domestic trade, has the right to fix the size of the maximum permissible retail prices for them in the region, city of republican significance, the capital.

If the size of the maximum permissible retail prices for staple foods, established in accordance with part one of this paragraph, is exceeded, the subject of domestic trade shall be liable in accordance with the laws of the Republic of Kazakhstan.

Footnote. Article 9 with the changes made by the Law of the Republic Kazakhstan from 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); № 215-VI as of 08.01.2019 (shall be enforced ten calendar days after its first official publication); № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); dated 25.06.2020 № 346-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Chapter 3. Domestic trade**

#### **Article 10. Trading facilities and types of domestic trade**

1. The domestic trade shall comprise the trading facilities and the public catering facilities
2. Stationary shopping facilities are subdivided on:

category 1 which includes shopping facilities with the floor space more than ten thousand square meters implementing food, the nonfoods provided with trade, administrative and household, storage facilities and the platform for the parking of trucking facilities within borders of the territory and also objects of public catering and other objects;

category 2 which includes the shopping facilities with the floor space from two thousand to ten thousand square meters specializing in implementation food, nonfoods, provided with trade, administrative and household, storage facilities and the platform for the parking of trucking facilities within borders of the territory and also objects of public catering and other objects;

category 3 which includes the shopping facilities with the floor space from five hundred to two thousand square meters provided with trade, utility, administrative and household rooms, rooms for acceptance, storage and preparation food, nonfoods to sale, objects of public catering (at their availability) and other objects (at their availability);

category 4 which includes the shopping facilities with the floor space from hundred to five hundred square meters provided with trade, utility rooms, rooms for acceptance, storage and preparation food, nonfoods to sale, objects of public catering (at their availability) and other objects (at their availability);

category 5 which includes shopping facilities with the floor space less than hundred square meters provided with trade rooms, rooms for acceptance, storage and preparation food, nonfoods to sale, objects of public catering (at their availability) and other objects (at their availability).

Types and requirements to stationary shopping facilities approve by authorized body.

2-1. Non-stationary shopping facilities are subdivided on:

- 1) the automatic machine – the automated device, held for sale goods;
- 2) a portable counter – the figurative shoddy construction (design) representing the trade place located on specially certain place;
- 3) shop trailer – the specialized trucking facility equipped with trading equipment;
- 4) a tent (pavilion) – easily built structure from collapsible designs equipped with trading equipment for one or several trade places having the area for a trade stock and located on specially certain place;
- 5) a booth – the non-capital figurative construction equipped with trading equipment, which does not have a trade floor and rooms for storage of food products, expected one or several trade places.

At sales of goods through shop trailers the specialized vehicle has to be technically working.

2-2. The trade markets depending on implementable goods are subdivided on:

- 1) universal;
- 2) specialized.

## Note by the ILLI!

The effect of paragraphs 2-3 is suspended from 01.01.2023 to 01.01.2025 in accordance with the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII.

2-3. The universal trade market is the trade market in which trade places are intended for implementation of sales of goods of a different class:

in the territory of the capital, the city of republican value the trade market consists of one and more stationary shopping facilities in which non-stationary shopping facilities, except for shop trailers can be located;

in the territory of the city of regional value, the city of district value, the settlement, the village the trade market consists of stationary and (or) non-stationary shopping facilities.

Article 10 is meant to be supplemented with paragraph 2-4 in accordance with Law of the Republic of Kazakhstan № 364-V as of 27.10.2015 (shall be enforced on 01.01.2025).

2-5. The specialized trade market is the trade market in which seventy and more percent of goods from their total quantity are intended for implementation of sales of goods of one class.

The specialized trade market represents stationary and (or) non-stationary shopping facilities.

2-6. In the trade markets have to be:

1) trade places according to the scheme of their placement, administrative and household, storage facilities and public places are equipped;

2) places, available to a review, on which take place are equipped:

information containing the scheme of placement in the trade market of trade places;

the scheme of evacuation at emergence of emergency or emergency situations;

information on an order and on conditions of providing trade places in lease (use);

information on availability of empty trade seats;

contact information (phone number and (or) the e-mail address) of the person authorized to conduct negotiations on providing trade places in lease (use);

information, stipulated by the legislation the Republic of Kazakhstan about consumer protection.

2-7. Individual entrepreneurs and (or) legal entities whose main activity shall be the lease (use) of trading places in large trading facilities, as well as in trade markets, ensuring the functioning of such facilities and organizing their work in accordance with the legislation of the Republic of Kazakhstan on the regulation of trading activities:

1) approve the regulations for the operation of a large trading facility, a trading market, including the mode of its operation for domestic trade entities and employees of their administration;

2) provide equal access to domestic trade entities to trading facilities and trading infrastructure;



3) approve the list of additional services provided by large trading facilities, trade markets to domestic trade entities (if any);

**Note!**

**Subparagraph 4) is subject to exclusion by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect on 31.12.2025).**

4) bring to the attention of domestic trade entities (selling socially significant food products) the amount of maximum permissible retail prices for socially significant food products at retail facilities;

5) register in the information system, shall have access to it and carry out their activities through the information system;

6) enter into or introduce amendments to lease agreements in the information system;

7) create and modernize trade infrastructure;

8) delimit the sales zones of wholesale and retail trade on the territory of a large trading facility, a trading market;

9) organize trade in trade markets from car stores in the presence of technical conditions on their territory;

10) provide receipt of payment for the rental (use) of a trading place through the information system by non-cash method or by issuing an invoice for payment through second-tier banks.

2-8. Rules for organizing the activities of commercial markets, requirements for maintenance of the territory, equipment of the commercial market are approved by the authorized body in the field of regulation of commercial activities.

3. Public catering facilities shall be divided into the following categories:

1) restaurant – a public catering and leisure facilities, serving a range of courses to be cooked sophisticatedly, including the customized and branded ones, as well as the alcoholic beverages, where the service of the waiters are mandatory provided to customers;

2) a cafe – a public catering and leisure facilities, serving a range of courses of uncomplicated cooking, as well as the alcoholic beverages, where the service of the waiters are mandatory provided to customers;

3) a bar - a public catering and leisure facilities, serving to customers the snacks, desserts and pastries, as well as the alcoholic beverages;

4) a canteen – a public catering facilities with self-service of customers.

4. The specialization of a retail facility is determined by its owner.

5. The types of the domestic trade shall comprise the wholesale and retail trade, public catering and other types of trade established under the present Law.

6. The procedure and requirements for carrying out the wholesale, retail trade and public catering, as well as for the facilities of the domestic trade shall be established by the legislation of the Republic of Kazakhstan.



Footnote. Article 10 as amended by the Law of the Republic of Kazakhstan № 400-IV dated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication); From 27.10.2015 No 364 (the order of enforcement see article 2); dated 25.06.2020 № 346-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.12.2022 № 177-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 06.04.2024 № 71-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

#### **Article 11. Wholesale trade**

1. Wholesale trade is carried out in stationary shopping facilities and the trade markets.
2. In wholesale trade, the subjects of domestic trade are obliged to ensure compliance with the requirements of regulatory legal acts of the Republic of Kazakhstan and regulatory documents, and also necessary conditions for goods transportation, storage and sale.

Footnote. Article 11 with the changes made by the Law of the Republic of Kazakhstan from 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).

#### **Article 12. Retail trade**

1. Home shopping service is carried out through stationary, non-stationary shopping facilities and the trade markets.
2. The carrying out of retail trade shall comprise that each item be packed and packaged unless otherwise provided by the legislation of the Republic of Kazakhstan or by the contract or unless otherwise implied from the nature of the product.
3. Except for the cases where the seller has explicitly determined that the goods is not intended for sale, any display of goods for exhibition, demonstration of the sample of the said goods or any furnishing of the details (descriptions, catalogs, photographs, etc.) of goods at the places of sale shall be deemed a public offer irrespective of whether the prices or other essential terms of the purchase and sale agreement have been indicated.
4. Retail trade outside trading places through network marketing, public distributors, mail order and other methods shall be regulated in the manner determined by the authorized body.
5. Implementation of home shopping service out of the places established by local executive bodies is forbidden.
6. The procedure for the sale and sale of discounted goods covers domestic trade.

Footnote. Article 12 with the changes made by Laws of the Republic of Kazakhstan from 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication); from 21.04.2016 № 504-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.11.2021 № 75-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 13. Public catering**

1. The public catering facilities shall comprise the production, processing, distribution and organization of consumption of their own products as well as of other food products.

2. The provision to visitors of a menu in public catering facilities shall be deemed an offer (public offer) for the conclusion of the agreement for retail purchase and sale of catering foods specified in the menu.

3. General requirements for the implementation of activities of public catering facilities shall be determined by the legislation of the Republic of Kazakhstan on the regulation of trade activities.

**Footnote.** Article 13 as amended by the Law of the Republic of Kazakhstan № 400-IV dated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 24.11.2021 № 75-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 06.04.2024 № 71-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

### **Article 14. The contract of sale in domestic trade**

**Footnote.** The heading as amended by Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).

1. The terms and procedures for concluding the purchase and sale agreement, as well as the rights and obligations of the seller and buyer shall be determined, taking into peculiarities stipulated in this Law, in accordance with Civil code and other legislative acts of the Republic of Kazakhstan.

2. Where the legislative acts of the Republic of Kazakhstan establishes restriction on the age of consumer while the sale of goods, the seller shall be required to refuse the sale of such product if the consumer failed to provide the document identifying his age.

3. The contract for wholesale sale of goods is a kind of a supply contract under which the subjects of domestic trade sell goods at shopping facilities.

**Footnote.** Article 14 as amended by Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).

### **Chapter 3-1. Promotion of the development of domestic trade**

**Footnote.** The Law is supplemented by Chapter 3-1 by the Law of the Republic of Kazakhstan № 400-IV dated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication).

### **Article 14-1. Support of trading activities by the local executive bodies of oblast, city of republican status, capital, raion, city of oblast status**

1. The local executive bodies of the oblast, city of republican status, capital, raion, and of the city of the oblast status shall carry out support of trading activities by virtue of the following measures:

1) the elaboration and implementation of investment projects aimed at the development of trade infrastructure;

2) the development and improvement of the system of training, retraining and advanced training of commercial workers, and the formation of labour market on a professional basis;

3) the application of measures of economic incentives for the subjects of domestic trade, including those engaged in the sale of domestic food products;

4) the development of e-commerce;

5) the development of cross-border trade;

6) the development of domestic trade networks;

7) stimulation of business activity of the subjects of domestic trade by organizing and holding exhibitions in the field of trading activities, fairs.

2. The actions aimed at the development of insider trade are developed taking into account the minimum standards of security of the population with the floor space approved by authorized body.

**Footnote. Article 14-1 with the changes made by the Law of the Republic of Kazakhstan from 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).**

#### **Article 14-2. Standardizing the availability of trading areas to the public**

1. The minimum standards of security of the population with the floor space approved by authorized body have to be considered when developing complex schemes of town-planning planning of territories of regions (the project of regional planning), master plans of settlements.

2. The authorized body shall elaborate the minimal standards of making available of trading are as to the public giving due regard to the proposals of the local executive bodies of the oblast, city of republican status, capital, raion, and of the city of the oblast status.

3. The categories of the settlements, structure and density of population in the settlements shall be taken into consideration when elaborating the minimal standards of making available of trading are as to the public.

**Footnote. Article 14-2 with the changes made by the Law of the Republic of Kazakhstan from 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 14-3. State support for domestic trade entities**

Domestic trade entities shall have the right to use measures of state support for private entrepreneurship in accordance with the Entrepreneurial Code of the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan.

Footnote. Chapter 3 is supplemented by Article 14-3 in accordance with the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).

#### **Chapter 4. Foreign trade**

Footnote. Chapter 4 as amended by the Law of the Republic of Kazakhstan № 400-IV dated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication).

#### **Article 15. State measures on the development of foreign trade**

Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan № 535-IV dated 09.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 15-1. Purposes and objective of the National organization on the development and promotion of export**

Footnote. Article 15-1 as amended by the Law of the Republic of Kazakhstan № 535-IV dated 09.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication)

#### **Article 16. Customs and tariff regulation of foreign trade activity**

1. The measures of customs and tariff regulation of foreign trade activity shall include the application of:

- 1) customs duties;
- 2) tariff privileges;
- 3) tariff preferences;
- 4) tariff quotas.

2. At the request of the authorized body, the central state bodies of the Republic of Kazakhstan, within their competence shall provide the information necessary for the purposes of applying the measures of customs and tariff regulation of foreign trade activities, including those containing confidential information.

Information shall be provided in the manner determined by joint regulatory legal acts, if the adoption of such acts is stipulated by the legislation of the Republic of Kazakhstan.

3. In cases stipulated by the acts of the Eurasian Economic Commission and (or) the legislation of the Republic of Kazakhstan, in order to apply customs and tariff regulation measures in relation to certain types of goods, when importing which it is necessary to provide confirmation of the intended purpose of goods, the authorized body or other state bodies issue confirmation of the intended purpose of the goods.

Confirmation of the intended purpose of goods shall be carried out by the authorized body or state bodies within its competence in accordance with the procedure and in the form determined by the authorized body or state bodies in agreement with the authorized body.

Footnote. Article 16 is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced upon expiry of six months after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2022 № 177-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

#### **Article 16-1. Tariff quotas**

1. For the purpose of creation of conditions for progressive changes in structure of production and consumption of goods in the Republic of Kazakhstan and preserving of a rational ratio of domestic and foreign goods authorized body:

- 1) establishes the tariff quotas on import or export of separate types of goods;
- 2) defines a method, a distribution order, volume and term of their action.

The authorized body and other state bodies distribute the tariff quotas between participants of foreign trade activity within the competence according to order of distribution of the tariff quota.

2. Intra quote rates and extra quote rates of the customs duties on goods, to import or evacuation of whom are applied the tariff quotas, established by authorized body according to the international treaties ratified by the Republic of Kazakhstan.

3. Import or commodity exportation to the territory of the Republic of Kazakhstan within the tariff quotas is performed on the basis of the export licenses and (or) import issued by authorized body.

The procedure and conditions for issuing export and/or import licenses shall be established in accordance with international treaties ratified by the Republic of Kazakhstan and acts of the Eurasian Economic Commission.

Footnote. Article 16-1 in edition of the Law of the Republic of Kazakhstan from 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); with the changes made by the Law of the Republic of Kazakhstan from 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 30.12.2022 № 177-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

#### **Article 16-2. Tariff privileges**

1. Tariff privileges are applied in cases where:

1) the application of tariff privileges for goods (to be) imported is stipulated by acts of the Eurasian Economic Commission;

2) they are established by international treaties of the Republic of Kazakhstan;

3) goods, except for excisable goods (excluding cars specifically designed for medical purposes), are (to be) imported by third parties, international organizations, governments for charitable purposes as grant aid (assistance), technical aid (assistance);

4) they are established by the Treaty on the Eurasian Economic Union, international treaties of the Republic of Kazakhstan, concluded with a third party within the framework of the Eurasian Economic Union.

2. A decision to grant a tariff privilege for goods exported from the Republic of Kazakhstan shall be taken by the authorized body.

3. Proposals of the central state bodies and participants in foreign trade activities on granting a tariff privilege shall be introduced in accordance with the procedure established in subparagraph 2-3) of Article 7 of this Law.

4. Tariff privileges for imported goods cannot be individualized and are applied regardless of a country of origin of goods, and for exported goods - regardless of participants in foreign trade activities.

**Footnote. The Law is supplemented with Article 16-2 in accordance with Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).**

### **Article 16-3. Tariff preferences**

1. In order to facilitate the development of trade, and also to fulfill commitments under concluded agreements on a free trade zone, goods imported into the territory of the Republic of Kazakhstan and originating from states that form a free trade zone with the Republic of Kazakhstan, depending on the terms of the free trade zone agreements, are either exempt from customs duties or reduced customs duties are applied to such goods.

Goods originating from the Republic of Kazakhstan and exported from the territory of the Republic of Kazakhstan to the states forming a free trade zone with the Republic of Kazakhstan, depending on the terms of the free trade zone agreements, are either exempt from customs duties or reduced customs duties are applied to such goods, if such exemption or reduction of customs duty rates is provided for in the agreement on a free trade zone.

2. In order to stimulate trade in goods originating from developing countries and the least developed countries using the system of tariff preferences, lower or zero rates of customs duties are applied to goods originating and imported from developing countries and the least developed countries. The list of goods and countries is approved by the Eurasian Economic Commission.

3. The sizes of import customs duty rates applicable to goods originating from developing and the least developed countries using the system of tariff preferences are determined by the Eurasian Economic Commission.

**Footnote. The Law is supplemented with Article 16-3 in accordance with Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).**

### **Article 17. Non-tariff regulation of foreign trade activities**

1. Measures of non-tariff regulation of foreign trade activities include:

1) a ban;



- 2) quantitative restrictions;
- 3) authorization procedure;
- 4) an exclusive right;
- 5) automatic licensing (supervision).

2. non-tariff regulation measures for certain goods shall be introduced by the authorized body, as well as by central state bodies within their competence, in agreement with the authorized body in accordance with the procedure determined by the authorized body.

The list of goods, export and/or import of which shall be carried out on the basis of permits in accordance with the measures established by paragraph 1 of this Article, shall be determined by the central state bodies within their competence in agreement with the authorized body.

3. At the request of the authorized body, the central state bodies of the Republic of Kazakhstan, within their competence shall provide the information necessary for the purposes of applying measures of non-tariff regulation of foreign trade activities, including those containing confidential information.

Information shall be provided in the manner determined by joint acts, if the adoption of such acts is stipulated by the legislation of the Republic of Kazakhstan.

4. Measures of non-tariff regulation shall be introduced for a period not exceeding six months from the date of their introduction, with the exception of measures introduced on the basis of paragraph 1 of Article 18 of this Law for the period necessary to eliminate economic consequences.

**Footnote.** Article 17 as amended by Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); dated 30.12.2020 № 397-VI (shall be enforced upon expiry of six months after the day of its first official publication); dated 30.12.2022 № 177-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

#### **Article 18. Bans and quantitative restrictions**

1. Bans and quantitative restrictions are introduced in the interests of:

- 1) public tranquility;
- 2) protecting human life and health, the environment, animals and plants;
- 3) regulating the export and (or) import of gold or silver;
- 4) protecting cultural valuables and cultural heritage;
- 5) preventing the exhaustion of irreplaceable natural resources along with their limited domestic production and consumption;
- 6) national security;
- 7) fulfilling international obligations;
- 8) restricting the export of domestic goods to ensure a sufficient amount of such goods for the domestic manufacturing industry during periods when the domestic price for such



materials is lower than the world price, as a result of implementation of stabilization measures ;

9) acquiring or distributing goods lacked generally or locally;

10) creating conditions for progressive changes in the structure of production and consumption of goods in the Republic of Kazakhstan;

11) ensuring compliance with regulatory legal acts consistent with international obligations relating to the application of the customs legislation of the Eurasian Economic Union and (or) the Republic of Kazakhstan, the protection of intellectual property and other regulatory legal acts.

2. To prevent or reduce a critical shortage of food products or other goods from the List of essential goods in the domestic market, the central state bodies, within their competence, may introduce bans and quantitative restrictions on the export of certain goods in coordination with the authorized body.

The list of essential goods is drawn up by the authorized body on the basis of proposals from the central state bodies.

3. The allocation of quantitative restrictions (quotas) of export and (or) import of certain goods among the participants in foreign trade activities, the size of quotas and their validity periods are determined by the relevant central state bodies, within their competence, in coordination with the authorized body.

The procedure for the allocation of quotas is determined by the central state bodies, within their competence, in coordination with the authorized body.

Certain goods are exported and (or) imported within quotas on the basis of a license issued in accordance with the Law of the Republic of Kazakhstan “On Permits and Notifications”.

**Footnote. Article 18 as amended by Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).**

#### **Article 18-1. Authorization procedure**

1. The authorization procedure for the import and (or) export of goods shall be implemented through the introduction of licensing or the application of other administrative measures to regulate foreign trade activities by issuing authorization document.

2. The authorization procedure shall be introduced and cancelled by the authorized body or central state bodies within their competence in agreement with the authorized body.

**Footnote. Article 18-1 is in the wording of the Law of the Republic of Kazakhstan dated 30.12. 2020 № 397-VI (shall be enforced upon expiry of six months after the day of its first official publication).**

#### **Article 18-2. Response measures**

The Government of the Republic of Kazakhstan, in order to effectively protect the economic interests of the Republic of Kazakhstan, on the basis of proposals from central state

bodies, shall introduce response measures if a third party or a member state of the Eurasian Economic Union:

1) does not fulfill the obligations assumed under international treaties in relation to the Republic of Kazakhstan;

2) takes measures that violate the economic interests of the Republic of Kazakhstan, including measures that unreasonably close (restrict) Kazakhstani goods (services, capital, labor force) access to the market of a third party or a member state of the Eurasian Economic Union or otherwise unreasonably their discriminate.

**Footnote.** Chapter 4 is supplemented with article 18-2 according to the Law of the Republic of Kazakhstan from 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); is in the wording of the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced upon expiry of six months after the day of its first official publication).

### **Article 18-3. Special types of the bans and restrictions**

1. Foreign trade activity can be limited to measures which acceptance is necessary for participation in the international sanctions according to Articles of organization of the United Nations, including measures departing from provisions of article 18 of the present Law.

2. The measures limiting foreign trade activity, including the measures departing from provisions of article 18 of the present Law can be entered for protection of an external financial position and maintenance of balance of the balance of payments.

**Footnote.** Chapter 4 is supplemented with article 18-3 according to the Law of the Republic of Kazakhstan of 27.10.2015 № 364-V (shall be enforced after ten calendar days after day of its first official publication).

### **Article 18-4. Measures introduced in the interests of national security**

1. The Government of the Republic of Kazakhstan, at the proposal of the authorized body, shall have the right to introduce the measures provided for in Articles 16-21 of this Law, in order to comply with the interests of national security.

2. The measures specified in paragraph 1 of this Article shall be introduced based on the results of an analysis conducted by the authorized body for determination the impact of importing goods on national security.

3. The procedure for interaction of state bodies of the Republic of Kazakhstan when introducing measures introduced based on the interests of the national security specified in paragraph 1 of this Article shall be determined by the authorized body.

**Footnote.** Chapter 4 is supplemented by Article 18-4 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced upon expiry of six months after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

## **Article 18-5. Expert organization and expert- auditors for determination the country of goods origin, the status of goods of the Eurasian Economic Union or foreign goods**

1. The expert organization shall certify and issue certificates of expertise on the origin of goods, determining the status of goods of the Eurasian Economic Union or foreign goods, drawn up by expert auditors to determine the country of goods origin, the status of goods of the Eurasian Economic Union or foreign goods, with the exception of certificates of expertise on the origin of goods for export and re-export.

2. Expert-auditors for determining the country of goods origin, the status of goods of the Eurasian Economic Union or foreign goods shall be certified by the authorized body and carry out their activities as part of one expert organization.

3. Expert-auditors for determining the country of goods origin, the status of goods of the Eurasian Economic Union or foreign goods, upon detection of facts of falsification and (or) inaccuracy in the information contained in the application and submitted documents of an applicant shall be obliged to refuse to draw up expertise reports on the origin of goods, determining the status of goods of the Eurasian Economic Union or foreign goods.

4. Expert-auditors for determining the country of goods origin, the status of goods of the Eurasian Economic Union or foreign goods and expert organizations for violating the rules for determining the country of goods origin, the status of goods of the Eurasian Economic Union or foreign goods, issuing a certificate of goods origin of and canceling its validity shall be responsible in accordance with the laws of the Republic of Kazakhstan.

**Footnote.** Chapter 4 is supplemented by Article 18-5 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced upon expiry of six months after the day of its first official publication).

## **Article 19. Participation of the Republic of Kazakhstan in the international economic sanctions**

**Footnote.** Article 19 is excluded by the Law Republic of Kazakhstan from 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 20. Exclusive right**

**Footnote.** The heading as amended by Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).

1. The exclusive export right and (or) import of separate types of goods is carried out on the basis of licensing.

2. The list of goods with an exclusive right for their export and (or) import and also the list of participants in foreign trade activities with an exclusive right are approved by the Government of the Republic of Kazakhstan on the basis of proposals from relevant central state bodies.

3. It is excluded by the Law of the Republic of Kazakhstan 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication).

4. An exclusive license is issued by a state body determined by the Government of the Republic of Kazakhstan.

Footnote. Article 20 in edition of the Law of the Republic of Kazakhstan from 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after its first official publication ); with the changes made by the Law RK from 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 241-VI as of 02.04.2019 ( shall be enforced ten calendar days after its first official publication).

#### **Article 21. Automatic licensing (supervision)**

1. Automatic licensing (supervision) is used to monitor the dynamics of export and (or) import of certain types of goods and is implemented through the issuance of permits.

2. To obtain permission, the applicant shall submit an electronic application to the authorized body.

3. The permit shall be issued within one working day from the date of application.

4. Permits are issued without restriction to all applicants.

5. The validity period of a permit is limited to the calendar year of its issuance.

6. Changes to the issued permit are not allowed.

7. The issued permit may not be reissued in the name of other applicants.

8. Excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII ( shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Footnote. Article 21 as amended by Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

#### **Article 22 Trade and Security Measures**

Footnote. The heading as amended by the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced upon expiry of six months after the day of its first official publication).

1. The conditions and procedure for conducting investigations prior to the use of trade measures in relation to the import of goods from a third party, as well as the procedure for applying such a measure are determined by the legislation of the Republic of Kazakhstan on special safeguard, anti-dumping and countervailing measures in relation to third countries.

2. The procedure for interaction of the state bodies of the Republic of Kazakhstan in the case of investigations preceding the application of commercial and security measures by a third party in respect of goods originating from the Republic of Kazakhstan shall be determined by the authorized body.

3. Information within the framework of investigations specified in paragraphs 1 and 2 of this article, received from state bodies and organizations, including confidential information, is transferred to the competent authorities of a third party by the authorized body through the

authorized state body carrying out foreign policy activity, except for cases of its transmission by downloading to the appropriate information system determined by third-party legislation.

**Footnote.** Article 21 as amended by Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); dated 30.12.2020 № 397-VI (shall be enforced upon expiry of six months after the day of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 22-1. Compensatory measures**

1. The conditions and procedure for conducting an investigation in order to prepare a conclusion on the expediency of applying a compensatory measure in relation to the member states of the Eurasian Economic Union shall be determined by the authorized body.

2. The procedure for the interaction of state bodies of the Republic of Kazakhstan in the event of an investigation prior to the application of a compensatory measure by a member state of the Eurasian Economic Union in respect of goods originating from the Republic of Kazakhstan is determined by the Government of the Republic of Kazakhstan.

3. Information within the framework of investigations specified in paragraphs 1 and 2 of this article, received from state bodies and organizations, including confidential information, is transferred to the competent authorities of a member state of the Eurasian Economic Union by the authorized body through the authorized state body carrying out foreign policy activity.

**Footnote.** The Law is supplemented with Article 22-1 in accordance with Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 22-2. Ensuring transparency in the application of state regulation measures within the obligations of the Republic of Kazakhstan in the light of its WTO membership**

1. In order to fulfill the obligations of the Republic of Kazakhstan within its membership in the WTO, defined by the Protocol of Accession of the Republic of Kazakhstan to the Marrakesh Agreement Establishing the WTO, state bodies and subjects of the quasi-public sector, whose fifty or more percent of shares (participatory interests in the authorized capital) belong to the state, shall ensure transparency of the applied state regulation and other measures affecting the obligations of the Republic of Kazakhstan within its membership in the WTO, in accordance with the procedures established in Article 22-3 of this Law.

Coordination of work to ensure the transparency of state regulation is carried out by the authorized body.

2. The transparency of state regulation measures specified in paragraph 1 of this article is ensured using such tools as:

1) publication of legal acts and their drafts in the manner established by the legislation of the Republic of Kazakhstan;



- 2) sending of notices (notifications);
- 3) organization of work of the information center for the WTO-related issues.

**Footnote.** The Law is supplemented with Article 22-2 in accordance with Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).

### **Article 22-3. Interaction on issues related to the membership of the Republic of Kazakhstan in the WTO**

Interaction with the WTO working and advisory bodies, as well as with the WTO members on issues affecting the obligations of the Republic of Kazakhstan within the framework of the WTO, is carried out by the authorized body.

Information, including one of confidential character, the transfer of which shall be carried out in connection with membership of the Republic of Kazakhstan in the WTO, including that provided by state bodies within their competence shall be sent by the authorized body to the working and advisory bodies of the WTO in accordance with the rules for classifying information as official information of a limited distribution and work with it, determined by the Government of the Republic of Kazakhstan.

The procedure for interaction of the authorized body with state bodies and with subjects of the quasi-public sector, fifty or more percent of the shares (participation shares in the authorized capital) of which belong to the state, on the issues related to the membership of the Republic of Kazakhstan in the WTO, is determined by the authorized body.

**Footnote.** The Law is supplemented with Article 22-3 in accordance with Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); dated 30.12.2020 № 397-VI (shall be enforced upon expiry of six months after the day of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

### **Article 22-4. Regulation of foreign trade activities as part of humanitarian aid**

Customs tariff, non-tariff and trade measures shall not be applied to the exportation and (or) importation of goods provided (received) as part of humanitarian aid and (or) aid provided to eliminate the consequences of natural disasters, accidents or catastrophes.

**Footnote.** The Law is supplemented with Article 22-4 in accordance with Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).

### **Article 22-5. Interaction on the issues related to the membership of the Republic of Kazakhstan in the Eurasian Economic Union**

1. Coordination of the interaction of state bodies and organizations, state bodies directly subordinate and accountable to the President of the Republic of Kazakhstan, subjects of the quasi-public sector, the National Chamber of Entrepreneurs of the Republic of Kazakhstan with the Eurasian Economic Commission on the issues of participation of the Republic of Kazakhstan in the Eurasian Economic Union shall be carried out by the authorized body.

Formation of the position of the Government of the Republic of Kazakhstan on the issues of participation in the Eurasian Economic Union, as well as interaction of central executive bodies, state bodies directly subordinate and accountable to the President of the Republic of Kazakhstan, subjects of the quasi-public sector and the National Chamber of Entrepreneurs of the Republic of Kazakhstan with the Eurasian Economic Commission shall be carried out in the manner determined by the Government Republic of Kazakhstan.

2. The qualification selection of candidates for filling vacant positions of directors and deputy directors of the departments of the Eurasian Economic Commission shall be carried out in accordance with the procedure determined by the Government of the Republic of Kazakhstan.

The qualification selection of candidates for vacant positions of employees of the Eurasian Economic Commission shall be carried out in accordance with the procedure determined by the authorized body.

The norms of the Law of the Republic of Kazakhstan "On the Civil Service of the Republic of Kazakhstan" in terms of secondment of civil servants shall not be applied regarding the candidates specified in parts one and two of this paragraph.

3. Information, including of confidential character, the transfer of which is carried out in connection with membership of the Republic of Kazakhstan in the Eurasian Economic Union, including that provided by state bodies within their competence shall be sent by the authorized body to the working and advisory bodies of the Eurasian Economic Commission in accordance with the rules classifying information as official information of limited distribution and working with it, determined by the Government of the Republic of Kazakhstan.

**Footnote. Chapter 4 is supplemented by Article 22-5 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2020 № 397-VI (shall be enforced upon expiry of six months after the day of its first official publication).**

#### **Article 22-6. Activities of the Export Credit Agency and its interaction with government agencies of the Republic of Kazakhstan**

1. The Export Credit Agency carries out voluntary insurance of export credits, investments, transactions related to lending (loans) to domestic exporters and foreign buyers of domestic non-commodity goods (works, services), guarantees and guarantees provided in their favor against the corresponding losses of financial organizations, other financial losses and corresponding civil liability, as well as their reinsurance without an appropriate license and other functions determined by the Government of the Republic of Kazakhstan.

2. In order to comply with the financial stability parameters of the Export Credit Agency, the portfolio of insurance and guarantee obligations should not exceed the total capacity of insurance and guaranteed obligations.

The total capacity of insurance and guarantee obligations of the Export Credit Agency is equal to the sum of:



- 1) own capital;
- 2) the total amount of government guarantees to support exports.

To prevent the size of the portfolio of insurance and warranty obligations from exceeding the total capacity of insurance and guarantee obligations, measures are taken in accordance with the budget legislation of the Republic of Kazakhstan to ensure the financial stability of the Export Credit Agency.

3. The Export Credit Agency maintains accounting records and prepares financial statements in accordance with the Law of the Republic of Kazakhstan “On Accounting and Financial Reporting” and the regulatory legal acts of the central authorized body that regulates activities in the field of accounting and financial reporting.

4. The authorized body for regulation, control and supervision of the financial market and financial organizations, within the powers established by the legislation of the Republic of Kazakhstan, exercises control and supervision over the Export Credit Agency’s compliance with the legislation of the Republic of Kazakhstan regulating the activities of financial organizations, with the exception of regulatory legal acts on issues of prudential regulation of insurance (reinsurance) organizations, insurance groups, approval of management personnel, requirements for the formation of insurance reserves for the risk management and internal control systems, exchange of electronic information resources between the policyholder (insured, beneficiary) and the insurer, issuance (revocation) of permission for the creation or acquisition of a subsidiary, acquisition of the status of a major participant, an insurance holding company, on significant participation in the capital of legal entities, including non-residents, as well as on the procedure for transfer of the insurance portfolio and liquidation.

The Export Credit Agency, at the request of the authorized body for regulation, control and supervision of the financial market and financial organizations, provides information, including data that constitutes official, commercial, insurance and other secrets protected by the laws of the Republic of Kazakhstan.

5. The Ministry of Foreign Affairs of the Republic of Kazakhstan and foreign institutions provide assistance to the Export Credit Agency, its foreign representatives and representative offices in promoting domestic non-commodity goods (works, services) to foreign markets.

6. Other central government bodies and local executive bodies of the region, city of republican significance, the capital, within the powers established by the legislation of the Republic of Kazakhstan, interact with the Export Credit Agency in the implementation of mechanisms for the development and promotion of exports of domestic processed goods (works, services) and cooperation with export-oriented enterprises locally.

7. State bodies are obliged, in the manner prescribed by the legislation of the Republic of Kazakhstan, to provide, at the request of the Export Credit Agency, information affecting the

rights and obligations of business entities of the Republic of Kazakhstan, with the exception of information constituting commercial, banking and other secrets protected by the laws of the Republic of Kazakhstan.

8. Interference in any form by government bodies and their officials in the activities of the Export Credit Agency is prohibited, except in cases provided for by the laws of the Republic of Kazakhstan.

**Footnote. Chapter 4 is supplemented by Article 22-6 in accordance with the Law of the Republic of Kazakhstan dated 23.01.2024 № 54-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).**

#### **Article 22-7. Ban on providing preferential conditions to affiliates**

1. An Export Credit Agency is prohibited from providing preferential conditions to affiliated persons.

2. Providing preferential conditions to an affiliate means completing a transaction with him or in his interests, which, due to its nature, purpose, characteristics and risk, the Export Credit Agency would not have carried out with a person not related to affiliates.

3. Signs of affiliation are determined in accordance with the Law of the Republic of Kazakhstan “On Joint-Stock Companies”.

Affiliates of the Export Credit Agency do not include:

national management holding;

legal entities, one hundred percent of the voting shares (participatory interests) of which belong to the national management holding company;

officials of the national management holding and legal entities, one hundred percent of the voting shares (participatory interests) of which belong to the national management holding.

**Footnote. Chapter 4 is supplemented by Article 22-7 in accordance with the Law of the Republic of Kazakhstan dated 23.01.2024 № 54-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).**

### **Chapter 5. Other types of trade**

#### **Article 23. Auction trade**

1. An auction trade for the sale of goods shall be carried out through a public bidding.

The seller shall determine a starting price based on the market value of the goods at the time of bidding, and the final price shall be determined by the buyer resulting from the auction held.

2. The procedure for the carrying out of the auction trade shall be regulated by civil legislation of the Republic of Kazakhstan.

#### **Article 24. Trade on commission**

A trade on commission shall be carried out in accordance with Civil legislation of the Republic of Kazakhstan.

#### **Article 25. Trade by orders**

1. A trade by order shall be carried out by providing the seller of information on the basis of advertisement or other means of disseminating information about the goods.

Sale of goods by orders may also be carried out through the type setting (standard) parcels . Type setting (standard) parcels may comprise the sets of goods of various purposes.

2. The trade by orders shall be carried out by transmitting and receiving orders directly from the buyers by the subjects of domestic trade in the places of itinerant trade, by telephone or mail order.

3. The service fee for receiving and executing the order, payment procedure, and the date of delivery shall be determined in the contract.

4. Delivery of goods within one locality shall be made hand by hand, and the delivery of goods from other places may also be made by concluding the agreement with the transport or postal organization.

Where the goods are delivered from other localities the agent of the seller shall receive the payment for goods, and shall make a payment of service fee to the transport or postal organization.

5. In the event of the failure to accept the order made without breaching the terms of the contract, the customer shall reimburse the seller the service cost resulted from transporting the goods to the customer and back.

**Footnote. Article 25 as amended by Laws of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).**

#### **Article 26. Cross-border trade**

1. A cross-border trade shall be carried out by individuals and legal entities in the frontier area of the Republic of Kazakhstan and in the border territory of a contiguous state.

2. The procedure for implementation of cross-border trade is determined in accordance with the rules of internal trade approved by the authorized body, as well as the conditions defined by international treaties ratified by the Republic of Kazakhstan with neighboring states.

**Footnote. Article 26 as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 27. Itinerant trade**

1. The itinerant trade shall be carried out in order to satisfy the customers' demands in goods missing in the relevant territory, or in the case of the absence of the trading facilities in the mentioned area.

2. A subject of domestic trade carries out itinerant trading activity in specially designated places and (or) along specially designated routes determined by the local executive body of a city of republican significance, the capital, district, city of regional significance.

Ae subject of domestic trade can trade at any point of the approved route.

3. Exit trade is carried out from shop trailers and (or) tents (pavilions).

Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan № 400-IV dated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication); from 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication); № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).

## **Article 28. Exhibitions and fair activities**

1. The exhibitions and fair activities shall be performed by means of organizing the exhibitions and fairs for the purposes of market research, assisting in the organization of sale of goods, conclusion of agreements and in order to establish new trade links. The exhibitions and fair activities are connected with the demonstration of product sample.

2. Where the local executive bodies, individuals and legal entities wish to hold exhibitions and fairs of international and republican status they may do so by having obtained the prior approval of the authorized body of the concept on the exhibition and fair. The concept on the exhibition and fair shall contain information about the alleged organizational and financial resources as well as the information about the potential participants.

3. Requirements, stipulated in Item 2 these articles, do not extend to the international specialized exhibition.

4. For achievement of the goal of the activity the legal entity with absolute participation of the state in authorized capital which main object of activity are the organization and holding the international specialized exhibition in the territory of the Republic of Kazakhstan and also postexhibition use of the territory of the international specialized exhibition, performs the following functions:

1) provides interaction with state bodies at the organization and holding the international specialized exhibition;

2) provides financing of the actions which are directly connected with the organization and holding the international specialized exhibition and also financing of construction of facilities of the international specialized exhibition, located in the territory of the international specialized exhibition;

3) other functions provided by the charter of legal entity with absolute participation of the state in authorized capital which main object of activity are the organization and holding the international specialized exhibition in the territory of the Republic of Kazakhstan and also postexhibition use of the territory of the international specialized exhibition.

5. The organization performing activities for the organization and holding the international specialized exhibition in the territory of the Republic of Kazakhstan except for the organizations specified in point 6 of this article has the right:

1) to request from the central, local representative and executive bodies information necessary for the organization and holding the international specialized exhibition, except for data which are the state and protected by the law other secret;

2) to take part in decision making, raising questions of the organization and holding the international specialized exhibition;

3) to attract citizens of the Republic of Kazakhstan and also the foreigners and persons without citizenship who are legally in the territory of the Republic of Kazakhstan as volunteers to participation in the organization and holding the international specialized exhibition in the territory of the Republic of Kazakhstan on the basis of the non-paid agreements signed with them.

6. Excluded by Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).

7. The taxation of the legal entity with absolute participation of the state in authorized capital which main object of activity are the organization and holding the international specialized exhibition in the territory of the Republic of Kazakhstan and also postexhibition use of the territory of the international specialized exhibition, is performed according to tax laws of the Republic of Kazakhstan.

Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan № 400-IV dated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication); with the changes made by the Law of the Republic of Kazakhstan from 03.12.2013 № 151-V (shall be enforced upon expiry of ten calendar days after its first official publication); from 25.12.2017 № 122-VI (shall be enforced from 01.01.2018); № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).

#### **Article 29. Electronic trade**

The rights and legitimate interests of participants in electronic trade shall be protected in accordance with the laws of the Republic of Kazakhstan.

Footnote. Article 29 as amended by Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication)

#### **Article 29-1. Implementation of electronic trading**

1. The seller addressing on its own behalf the offer electronically at implementation of electronic trading is obliged:

1) to include essential terms of the contract in the offer or to specify an order of their determination and also to include other conditions established by legal acts of the Republic of Kazakhstan;

2) to provide information on an order of signing of the contract;

3) to write out the invoice in the order determined by the Code of the Republic of Kazakhstan “On taxes and other obligatory payments in the budget” (Tax code) and also to provide copies of source accounting documents according to the Law of the Republic of Kazakhstan On financial accounting and the financial reporting”.

1-1. In the course of electronic trading, both the seller and the buyer have the right to require the other party to fulfill its obligations for transactions made on the electronic trading platform.

2. Payment methods and (or) money transfers according to transactions of electronic trading are performed in the order established by the legislation of the Republic of Kazakhstan on payments and payment service providers.

2-1. The e-commerce infrastructure on the electronic trading platform includes:

1) internal requirements of the electronic trading platform for participants in electronic commerce;

2) the possibility of cashless payments for goods, works and services using banking payment systems;

3) organization or coordination of the delivery of goods or services;

4) ensuring mutual settlements between the buyer and the seller, also in case of goods return;

5) enabling the conclusion of a contract for sale, contract for the provision of services using information and communication technologies through the exchange of electronic documents or electronic messages.

Features of the activities of specialized electronic trading platforms are established by the legislation of the Republic of Kazakhstan.

3. In the course of electronic commerce, the electronic trading platform shall determine the conditions ensuring:

1) integrity and confidentiality of information contained in information resources, including information constituting commercial and other law-protected secrets;

2) the buyer's fulfillment of his/her/its obligations for transactions made on the electronic trading platform if such conditions are realized by the electronic trading platform.

4. The electronic trading platform, information and advertising trading platform in e-commerce are not entitled to:

1) disclose information contained in electronic documents or electronic messages, including information constituting commercial and other law-protected secrets;

2) transfer to third parties electronic documents, electronic messages or copies thereof, including information contained in them, unless otherwise provided for by a contract concluded by them with other participants in electronic trade or the laws of the Republic of Kazakhstan;

3) change the content of electronic documents or electronic messages or the procedure for their use, unless otherwise provided for by a contract concluded by them with other participants in electronic trade or the laws of the Republic of Kazakhstan.

5. In the course of electronic trading, the seller and (or) the owner of the electronic trading platform shall store information in accordance with and on the terms and conditions stipulated by the contract.

**Footnote. Chapter 5 is supplemented with article 29-1 according to the Law of the Republic of Kazakhstan of 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication); with the change made by the Law of the**



Republic of Kazakhstan of 26.07.2016 № 12-VI (shall be enforced upon expiry of thirty days after its first official publication); № 156-VI as of 24.05.2018 (shall be enforced ten calendar days after its first official publication); № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).

#### **Article 29-2. Functions of fulfillment centers**

A fulfillment center performs such functions as:

- 1) receipt of goods from the manufacturer, seller, intermediary or another person with an agreement on the provision of the fulfillment center's services;
- 2) warehousing of received goods;
- 3) receipt and processing of orders for goods, also using electronic means of communication;
- 4) picking of goods in accordance with incoming orders for goods;
- 5) packaging of goods;
- 6) delivery of goods to the buyer by its own delivery service or dispatch of goods through third-party delivery services;
- 7) receipt of payment for goods from buyers;
- 8) returns processing.

**Footnote.** The Law is supplemented with Article 29-2 in accordance with Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).

#### **Article 30. Exchange trade in goods**

The exchange trade in goods shall be carried out in accordance with the legislation of the Republic of Kazakhstan on goods exchange.

### **Chapter 6. Requirements for the subjects of domestic trade and goods**

**Footnote.** The heading as amended by Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).

**Footnote.** Chapter 6 is in the wording of the Law of the Republic of Kazakhstan dated 26.01.2011 № 400-IV (shall be enforced upon expiry of thirty calendar days after its first official publication).

#### **Article 31. Requirements for the subjects of domestic trade**

**Footnote.** The heading as amended by Law of the Republic of Kazakhstan № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication).

1. The subjects of domestic trade, in the course of their activities, are obliged to:
  - 1) sell the goods of satisfactory quality, meeting safety requirements;
  - 1-1) put domestically produced goods in visually and physically accessible places;
  - 2) sell the goods according to the parameters respectively specified in the terms of the public offer, agreements or any other transactions;



2-1) sell labeled goods, in respect of which a decision was made to label them in accordance with international treaties and (or) the legislation of the Republic of Kazakhstan, in the manner determined by the sectoral authorized state body for goods labeling and traceability;

2-2) keep records of accepted and sold non-food products that were in use, in the manner determined by the rules of internal trade.

The subject of internal trade shall ensure the storage of information on accepted and sold non-food products that were in use for one calendar year;

3) provide the buyer with the necessary and accurate information about the quality and the origin of the goods, customer characteristics, guarantee bonds and about the claim procedure, methods and rules of use of the product, its storage, as well as information on the whereabouts and other details of the seller or of the manufacturer (executor) where the claim and attached documents are furnished with the court.

4) place the control and measuring devices, verified in accordance with the requirements of the State System for Ensuring Uniform Measurement, on the public places of trading activities;

5) give to the buyer the opportunity to check on his own the characteristics by control and measuring devices where this buyer doubts on the weight and length of the product;

6) at sales of goods, subject to obligatory confirmation of conformity, in the order established by the legislation of the Republic of Kazakhstan in the field of technical regulation upon the demand of the buyer to show him the certificate of conformity (the copy on forms of the established sample) or the declaration of conformity;

6-1) upon request of the buyer present to him a declaration of conformity or certificate of conformity or the copy thereof indicating the date of issuance of the said copy, which is certified with seal and signed by the head of the legal entity or a person authorized to sign the documents, or by the individual entrepreneur, who are the suppliers of the goods, when selling the goods that are subject to obligatory conformity assurance as prescribed by the legislation of the Republic of Kazakhstan on technical regulation;

7) use cash registers with fiscal memory in a manner and in the cases provided for by the tax legislation of the Republic of Kazakhstan;

8) withdraw from circulation the goods that do not meet the safety requirements and standards established by Article 32 of this Law, as well as timely inform the relevant state bodies and the consumer about a possible danger to his/her life, health and (or) property, the environment, including taking from the consumer the sold goods with compensation for its cost and losses (damage) caused to the consumer, in the manner established by the legislation of the Republic of Kazakhstan;

9) comply with the instructions of the state authorities which have been brought in in a prescribed manner;

10) comply with other requirements set forth by the legislation of the Republic of Kazakhstan.

1-1. In cases where a manufacturer or distributor identifies products that do not comply with the requirements of regulatory legal acts of the Republic of Kazakhstan and voluntarily withdraws them from sale, control and supervisory authorities shall not take measures against such manufacturers or distributors.

2. Subjects of domestic trade engaged in the sale of goods through the organization of a trade network or large shopping facilities are prohibited from restricting the access of goods to trade networks or large shopping facilities, which consists in an unreasonable refusal to conclude a contract for goods supply or in the conclusion of an obviously discriminatory contract containing:

1) provisions prohibiting the subject of domestic trade from concluding goods supply contracts with other subjects of domestic trade carrying out similar activities, as well as with other subjects of domestic trade under similar or other terms;

2) the requirement for the subject of domestic trade supplying goods to provide information on concluded contracts with other subjects of domestic trade carrying out similar activities.

**Note!**

**Paragraph 3 is subject to exclusion by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect on 31.12.2025).**

3. Subjects of domestic trade are prohibited from violating the statutory size of the maximum permissible retail price for staple foods, established in accordance with paragraph 2 of Article 9 of this Law.

**Note!**

**Paragraph 4 is subject to amendment by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect on 31.12.2025).**

4. In case of violation of paragraphs 2 и 3 of this article, the subjects of domestic trade shall be liable in accordance with the laws of the Republic of Kazakhstan.

5. If a subject of domestic trade engaged in the sale of goods through the organization of a trade network or large shopping facilities and a supplier of food products entered into a goods supply contract with the condition of payment for such goods in a given time after their transfer to the subject of domestic trade engaged in the sale of goods through the organization of a trade network or large shopping facilities, it is necessary to follow the below indicated rules to fix the term of payment for such goods in this contract:

1) food products, the shelf life of which is less than ten calendar days, shall be paid for within ten working days of their transfer by the subject of domestic trade engaged in the sale of goods through the organization of a trade network or large shopping facilities;

2) food products, the shelf life of which is ten or more calendar days, produced in the territory of the Republic of Kazakhstan shall be paid for within thirty calendar days of their

transfer by the subject domestic trade engaged in the sale of goods through the organization of a trade network or large shopping facilities.

6. Goods shall be paid for within the terms established by paragraph 5 of this article provided that a subject of domestic trade supplying goods fulfilled its obligation to transfer documents relating to the goods in accordance with the regulatory legal acts of the Republic of Kazakhstan or the contract.

7. Between a subject of internal trade engaged in the sale of goods through the organization of a retail network or large retail facilities, and a supplier of food products, when concluding a contract for the supply of food products, the price of food products may include the remuneration paid to the subject of internal trade in connection with the purchase of a certain amount of food products from the supplier. The amount of the specified remuneration is subject to agreement by the parties to this contract and may not exceed five percent of the price of purchased food products. When calculating the specified total amount of remuneration, the amount of value added tax is not taken into account. It is not allowed to pay the remuneration specified in this paragraph in connection with the purchase by a subject of internal trade of certain types of socially significant food products specified in the list approved by the authorized body.

In case of exceeding the amount of remuneration established in part one of this paragraph, the subject of domestic trade shall be liable in accordance with the laws of the Republic of Kazakhstan.

**Footnote. Article 31 as amended by the Law of the Republic of Kazakhstan № 36-V dated 10.07.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); From 29.10.2015 № 376-V (shall be enforced from 01.01.2016; № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); dated 25.06.2020 № 346-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 06.04.2024 № 71-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication).**

**Article 31-1. The requirement to taxpayers – to the individual entrepreneurs and legal entities providing in lease (use) shopping facilities, trade places in shopping facilities including in the trade markets**

1. Individual entrepreneurs and legal entities are obliged to sign written agreements of lease (use) when providing in lease (use) for the term of more than three calendar days within calendar month of shopping facilities, trade places in shopping facilities, including in the trade markets. At the same time are subject to obligatory reflection in lease agreements (use):

- 1) a surname, a name, a middle name (at his availability) the physical person tenant;
- 2) full name of the tenant – the individual entrepreneur or the legal entity;
- 3) number and document date, the physical person tenant proving the identity;
- 4) identification number of the tenant;

- 5) number (in the presence) and date of signing of the contract of lease (use);
- 6) the period of lease (use) with indication of date of its beginning and the termination;
- 7) the amount of the rent and (or) the amount of the refunded expenses;
- 8) purpose of the shopping facility, trade place in the shopping facility, including in the trade market;
- 9) the location of the shopping facility, the trade place in the shopping facility, including in the trade market;
- 10) signatures and a seal (at her availability) the lessor and the tenant;
- 11) other conditions according to the agreement.

2. The individual entrepreneurs and legal entities providing in lease (use) shopping facilities, trade places in shopping facilities including in the trade markets, are obliged to keep the register of lease agreements (use) and to represent him to bodies of state revenues as it should be, terms and in a form which are approved by authorized body in the field of ensuring receipts of taxes and other obligatory payments in the budget.

**Footnote. Chapter 6 is supplemented with article 31-1 according to the Law of the Republic of Kazakhstan of 30.06.2010 № 297-IV (shall be enforced from 01.01.2012); in edition of the Law of the Republic of Kazakhstan of 27.10.2015 № 364-V (shall be enforced from 01.01.2017).**

### **Article 32. Requirements to goods**

1. Good-quality goods that meet safety requirements and the requirements of the legislation of the Republic of Kazakhstan on technical regulation and standardization documents are subject to circulation in the domestic market of the Republic of Kazakhstan.

2. Quality of goods shall be supported by the following information:

- 1) the trademark of the manufacturer;
- 2) the country of origin;
- 3) the composition of the product;
- 4) nutritional value as to food products;
- 5) the date of manufacture;
- 6) durability;
- 7) indication of the standardization document;
- 8) other information in accordance with the standardization documents.

Information on the above requirements for the quality of goods should be contained on labels, labels, stickers (stickers), leaflets, material media in Kazakh and Russian in accordance with the requirements of the Law of the Republic of Kazakhstan "On languages in the Republic of Kazakhstan".

The goods shall be stored and transported in conditions ensuring its quality integrity and compliance with the safety requirements for the consumption, including the compliance with

the prescribed conditions of storage in specially equipped premises and of transportation in vehicles specially designed for such purposes, and where provided for the compliance with such requirements shall be confirmed by recording in the relevant documents.

3. It shall be prohibited to sell:

1) the goods that have been seized from circulation;

2) the goods without special permission that are restrictedly tradable;

2-1) products that do not meet the requirements of technical regulations and are subject to withdrawal and recall in accordance with the procedure determined by the authorized body carrying out state regulation in the field of technical regulation;

3) excisable goods subject to marking in accordance with the established procedure, without the presence of identification means or accounting and control marks on them;

3-1) goods subject to labeling with control (identification) marks or physical media, without control (identification) marks or physical media on them;

4) the goods that does not conform with the requirements provided for by paragraph 1 of this article;

4-1) the goods relating to objects of a military or special uniform, a uniform, signs of distinction of the military personnel of Armed Forces, other troops and military formations, the staff of law enforcement, special state bodies according to the list approved by authorized body in coordination with the interested state bodies except for purchases within the state defense order and the Law of the Republic of Kazakhstan "About public procurements";

4-2) the goods relating to objects of a uniform of bodies of state revenues, except as specified acquisitions of the specified goods according to the Law of the Republic of Kazakhstan "About public procurements";

4-3) tools of fishing of fish resources and other water animals which use is forbidden by the legislation of the Republic of Kazakhstan;

4-4) products from saxaul wood during action of prohibition of cabins the saksaulovykh of plantings on sites of the public forest foundation, exceptfor her implementation by the state forest owners according to the forest legislation of the Republic of Kazakhstan;

5) other goods prohibited for sale under legislation of the Republic of Kazakhstan.

**Footnote. Article 32 with the changes made by Laws of the Republic of Kazakhstan of 27.10.2015 № 364-V (shall be enforced upon expiry of ten calendar days after its first official publication); of 15.06.2017 № 73-VI (shall be enforced upon expiry of ten calendar days after its first official publication); № 184-VI as of 05.10.2018 (shall be enforced six months after its first official publication); № 241-VI as of 02.04.2019 (shall be enforced ten calendar days after its first official publication); dated 25.06.2020 № 346-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 29.12.2021 № 94-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 31.12.2021 № 100 (shall enter into force from 01.01.2022).**

**Article 32-1. Rights of the subjects of trading activities**

1. The subjects of trading activities shall have the right to carry out trading activities in accordance with this Law and legislation of the Republic of Kazakhstan.

2. The subject of trading activities shall, on his own discretion, determine:

1) the specialization of trade (universal and (or) specialized trade);

2) range of goods for sale;

3) work pattern;

4) prices of traded goods, except for the cases stipulated by article 9 of this Law.

3. The subject of trading activities may submit with the state authorities the proposals on the improvement of normative legal acts concerning the interests of the subjects of trading activities.

### **Article 32-2. Wholesale distribution centers**

The wholesale distribution center shall recognize a multifunctional infrastructure trade and logistics complex consisting of warehouses, pavilions and (or) other rooms with special equipment intended for appropriate storage and (or) performing procurement, preparatory, distribution and/or other operations with food products, the share of which is at least sixty percent of the total range of goods, and non-food products, the list of which shall be determined by the requirements for wholesale distribution centers, for their subsequent wholesale and/or retail trade in the domestic and/or foreign markets.

Wholesale distribution centers shall provide a set of services or, depending on the technological specialization and the type of services provided, can be divided into:

1) wholesale distribution storage center shall be a real estate object intended for storage and execution of procurement, preparatory, distribution and (or) other operations with food products, mainly located near the production sites of fruit and vegetable products and crop products and providing domestic agricultural producers, participants in foreign trade activities and domestic trade entities with acceptance, storage and primary processing services (cleaning, calibration, sorting, packaging and other services) of agricultural products for subsequent marketing in the domestic and foreign markets;

2) the wholesale distribution center shall be a real estate object intended for the storage and distribution of food and non-food products at sales facilities and the provision of logistics services for the temporary storage and transshipment (transshipment) of goods for the needs of retail facilities;

3) the wholesale distribution center of trade shall be a real estate object that provides participants in foreign trade activities and (or) domestic trade entities with unhindered access to retail spaces, storage places and other premises within the infrastructure trade and logistics complex for the period of trading activities.

**Footnote. Chapter 6 as added by Article 32-2 in accordance with the Law of the Republic of Kazakhstan dated 30.12.2021 № 96-VII (shall enter into force from 01.01.2022).**

## **Chapter 7. Final provisions**



## **Article 33. Control over trading activities**

Footnote. Article 33 as amended by the Law of the Republic of Kazakhstan № 188-IV dated 17.07.2009 (the order of enforcement, See art. 2).

### **Article 33-1. Control over the restricting of access of the goods to trade networks and large trading facilities**

Footnote. Law is supplemented by Article 33-1 in accordance with the Law of the Republic of Kazakhstan; № 400-IV dated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication); as excluded by the Law of the Republic of Kazakhstan dated 30.12.2022 № 177-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

### **Article 33-2. State control over compliance with the legislation of the Republic of Kazakhstan on the regulation of trade activities**

1. State control over compliance with the legislation of the Republic of Kazakhstan on the regulation of trade activities shall be carried out by the authorized body and its officials in the form of unscheduled inspection and preventive control with a visit to the subject (object) of control in accordance with the Entrepreneur Code of the Republic of Kazakhstan.

#### **Note!**

The second part of paragraph 1 is subject to amendment by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect on 31.12.2025).

State control over compliance with the maximum permissible retail prices for socially significant food products shall be carried out in accordance with the Entrepreneur Code of the Republic of Kazakhstan and this Article.

2. Subjects of state control over compliance with the legislation of the Republic of Kazakhstan on the regulation of trade activities shall be domestic trade entities, individual entrepreneurs and legal entities providing retail facilities for rent (use), retail places in retail facilities, including in trade markets.

3. The objects of state control over compliance with the legislation of the Republic of Kazakhstan on the regulation of trade activities shall be activities and property, which shall be subject to requirements and restrictions in accordance with the legislation of the Republic of Kazakhstan.

#### **Note!**

Paragraph 4 is provided for in the wording of the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect on 31.12.2025).

4. State control over compliance with the maximum permissible retail prices for socially significant food products shall be carried out by the authorized body and its officials on the basis of decisions of local executive bodies to establish such prices for socially significant food products.

Note!

Paragraph 5 is subject to amendment by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect on 31.12.2025).

5. When conducting state control over compliance with the size of maximum permissible retail prices for socially significant food products, a preliminary notification of the state control entity about the start of this control is not required.

Note by the ILLI!

Part one of paragraph 6 is provided for in the wording of the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect on 31.12.2025).

6. The authorized body, based on the decisions of local executive bodies on the establishment of maximum retail prices for socially significant food products, shall form a list of subjects of state control, in respect of which state control shall be carried out over compliance with the size of the maximum permissible retail prices for socially significant food products.

Note!

The second part of paragraph 6 is subject to amendment by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect on 31.12.2025).

Following the results of state control over compliance with the size of maximum permissible retail prices for socially significant food products, in case of violations, the authorized body issues an order to the subject (object) of state control to eliminate them with an indication of the timing of elimination.

Note!

Paragraph 7 is subject to amendment by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect on 31.12.2025).

7. Failure to comply with the order to eliminate the identified violations following the results of state control over compliance with the size of the maximum permissible retail prices for socially significant food products within the specified time frame shall be the basis for an unscheduled inspection.

Footnote. Law is supplemented by Article 33-2 in accordance with the Law of the Republic of Kazakhstan, № 400-IV dated 26.01.2011 (shall be enforced upon expiry of thirty calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 30.12.2022 № 177-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

#### **Article 34. Settlement of disputes**

Any dispute arising in the course of the state regulation of trading activities shall be settled in accordance with the legislation of the Republic of Kazakhstan.

#### **Article 35. Responsibility for violating legislation of the Republic of Kazakhstan on trading activities**

Any person guilty of violating the legislation of the Republic of Kazakhstan on trading activities shall bear liability under the laws of the Republic of Kazakhstan.

**Article 36. The order of enforcement of this Law**

This Law shall be enforced from the date of its official publication.

*The President of the Republic of Kazakhstan*

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